

Approved: February 12, 2015

Posted: February 13, 2015



Town Council Meeting Minutes

Monday, January 26, 2015, at 6:00 PM, in the Matthew Thornton Room

Vice Chairman Mahon called the meeting of the Town Council to order at 6:00 p.m. Present at the meeting were Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Woods, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilor Harrington was excused.

Pledge of Allegiance

Vice Chairman Mahon led in the Pledge of Allegiance.

Announcements

Vice Chairman Mahon remarked, due to inclement weather, Town Hall offices and the Transfer Station would be closed the following day and would re-open on Wednesday, January 28th at 10:00 a.m.

A special meeting/work session of the Town Council will be conducted on Thursday, January 29th at 7:00 p.m. in the Matthew Thornton Room. The work session is in regard to the Northeast Energy Direct Pipeline (NED) project. The meeting is open to the public.

The next regular meeting of the Town Council will be held on Thursday, February 12th at 7:00 p.m. in the Matthew Thornton Room. The Public Hearing on the FY16 proposed budget will also be conducted on Thursday, February 12th.

Public Comment - None

Review of Proposed FY16 Budget

Vice Chairman Mahon noted although the meeting did not represent the last opportunity for the Council to work with the proposed budget, it was necessary to come to a figure for presentation at the Public Hearing.

Town Manager Cabanel remarked during a review of the current year's budget a significant savings was noted as a result of the number of retirements (5 in Fire Department, 2 in Police Department, and 2 in the Public Works Department) and the subsequent period of time positions remained unfilled during the recruitment process, etc. Savings associated with salaries, health insurance costs, etc. for those positions totaled approx. \$140,000.

The suggestion was made that the savings (unexpended appropriations) be utilized to cover costs associated with one-time expenses previously intended to be funded through the FY16 budget, e.g., replacement firearms, first phase of the communications system for the Police Department, etc.

A spreadsheet was provided identifying areas of the budget that have been under discussion during the budget review process and for which the Town Manager believed the Council may wish to consider allocating the unexpended appropriations.

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Councilor Dwyer remarked, outside of the request for funding a capital reserve fund to address communication needs at the Police Department, the single largest budgetary impact is the request by the Police Department for the addition of three police officers. Although some felt uncomfortable with the proposal for a Problem Oriented Policing (POP) Unit, the Chief's greater mission was to increase manpower. Based on that request, he asked the Town Manager to put together a plan to add two new positions. Those costs are identified within the spreadsheet provided as a means of adding the positions without impacting the tax rate associated with the FY16 budget.

Councilor Dwyer noted the spreadsheet also included costs associated with the requested allocation to the capital reserve funds under the Police Department for communication equipment, the Fire Department for cardiac defibrillators, the Solid Waste Department for the purchase of a stake body truck, salary associated with a part-time attendant at the transfer station, the recommendation by Councilor Woods to set aside \$20,000 for a new architectural plan for the highway garage, and monies to be aside for legal expenses that could come about as a result of the Northeast Energy Direct Pipeline (NED) project.

If each of the suggested allocations were to occur, the estimated increase on the tax rate would remain at \$0.08.

Councilor Dwyer stated the Police Department has not had an increase in manpower in several years. To the credit of the Police Chief, three years ago when the outlet mall was about to go up, he stated he would not ask for any additional officers until it was proved to him to be necessary. Councilor Dwyer commented in the five years he has been on the Council, the Chief has never asked for an increase in manpower. This year he did.

When looking at the budget and allocating almost a quarter of a million dollars in overtime, that number seems a little startling, and may be the magic number for him that says we should start looking into hiring another person. Last year's budget approached \$200,000 in overtime, and the year before that it was over \$150,000. He remarked the two officers who retired have never been replaced. That coupled with the overtime budget reaching an extremely high level indicate this is the year to increase manpower.

Councilor Koenig noted the Chief's request was for three officers; one Sergeant and two patrolmen. He stated his assumption the intent of Councilor Dwyer is that if we don't need the Sergeant to control that POP Unit, etc. two officers could be added to provide basically the same effect of functional boots on the ground. Councilor Dwyer responded that was his thinking. Adding a third position was something he could not find a way to do without increasing the impact on the tax rate. He commented it may be that there will be another opportunity in another year or two when the department can be reviewed again.

Councilor Koenig questioned if the cost identified is fully loaded, e.g., inclusive of benefits, etc. Councilor Dwyer stated it would be for a period of ten (10) months, which was based on input from the Chief that hiring would not occur until September. Councilor Koenig questioned whether that replaces the \$28,000 Town Manager Cabanel had identified as overtime in lieu of the team the Chief had asked for, and was told that was the intent.

Councilor Boyd stated his agreement with Councilor Dwyer's assessment; back in 2010 there were 40 full-time officers. Since then the department has been operating with 38. He remarked bringing two officers back into the fold brings the department back to 2010 staffing levels. He stated his belief the Chief would not have made the request if he didn't have the need for additional manpower. He looks at the addition more as boots on the ground as opposed to the creation of a new unit. The Chief is asking for two additional police officers to do whatever he tasks them with, and with the growth that has been seen and projected, it is good to be proactive in this regard so that we are focusing on future policing needs that could arise as a consequence. He commented when you bring new officers on they may not understand the streets and roads of Merrimack, which would result in a learning curve after their time in the academy. He stated his belief the timing is very good.

With regard to allocating funds for legal fees that could be incurred as a result of the proposed NED pipeline, he remarked after speaking with the Town Manager, he had hoped the Council could put \$50,000 aside. He suggested the Council needs to be thinking long-term as it relates to the 3+ year FERC process. He stated his opinion conversations have started with other communities, which may provide a unique opportunity to cost share. The potential is for hiring an attorney that is familiar with FERC and its processes. Since Merrimack is the largest community impacted by this, it is vital Merrimack have a voice. He stated his support of setting monies aside to address that issue, and supportive of the suggestion of setting aside \$25,000.

Councilor Boyd stated his support of the reduction of the part-time skate park attendant and putting those monies back into the Parks and Recreation Department. He spoke of the remarks made by the Director, Matt Casparius, during review of the budget, that Merrimack is one of two communities that have an attendant at its skate park. He suggested the Director be tasked with working with the Fire and Police Chiefs on some type of video surveillance, increased lighting, etc. Hopefully with a new and improved policy the park can be opened to the general public with some specific guidelines allowing it to be open from dawn to dusk. He would like to be able to give the youth of the community unfettered access to the park, within reason. He spoke of complaints received about not being open on specific holidays, which he believes are justified.

He stated he is pleased with what has been presented for consideration, and thanked Councilor Dwyer and staff for putting the information together.

Councilor Woods spoke of the proposal to set monies aside for the architect/engineering piece for the highway garage. He stated the intent would be that we would be looking to include a bond article in the 2016/2017 Warrant. He stated his intent and the intent of the Council is very serious to bring something forward.

Councilor Woods remarked he suggested early on in the process that monies be set aside for a consultant to work on the NED pipeline project. He stated his interest in seeing that project to conclusion whatever that may be with all of the proper force and affect the Town of Merrimack and other entities can muster.

With regard to a part-time attendant at the Solid Waste Department, that is a no brainer for him. He remarked it is a bit aggressive looking for 3 tons+/week, but he believes the Director can do what he sets out to.

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Councilor Rothhaus stated his only concern is with regard to monies (approx. 5%) removed from the paving budget. He commented the Town has done a better job than in years past. Councilor Dwyer noted D.W. Highway is being done this year, which is a big one.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to amend the proposed FY16 budget by increasing Line Item #01-04-8104-0 Wages - Other Full Time by One Hundred Fifty Eight Thousand One Hundred Seventy Eight Dollars (\$158,178) to cover the cost of two new police officers inclusive of benefits and appropriate withholdings for 10/12th of a year

ON THE QUESTION

Councilor Boyd questioned the need to add to the motion the requested reductions. Vice Chairman Mahon noted the spreadsheet provided identified costs associated with the purchase of replacement firearms (\$30,500), overtime (\$28,056), and then capital reserve fund reductions for communications, fire and solid waste because of the purchase of three items; cardiac defibrillator, monitor and transmitter for the Fire Department, the communications radio based station for the Police Department and the stake body truck for the solid waste department would come out of this year's budget due to the unexpended appropriations discussed at the start of the meeting.

Councilor Koenig requested clarification the motion was for the sole purpose of increasing the budget by \$158,178, and was told that was the intent. Councilor Rothhaus remarked it is a trust thing, the Council is trusting that other line items will be offset as we continue on. Councilor Koenig stated the Council has the option to make those offsets. Councilor Rothhaus remarked it could be a situation where a Councilor supported a particular motion in anticipation of offsets elsewhere.

Town Manager Cabanel stated a motion could be made to address the offsetting reductions at this time.

AMENDED MOTION by Councilor Boyd and seconded by Councilor Dwyer to amend the proposed FY16 budget by increasing Line Item #01-04-8104-0 Wages - Other Full Time by One Hundred Fifty Eight Thousand One Hundred Seventy Eight Dollars (\$158,178) to cover the costs of two new police officers inclusive of benefits and appropriate withholdings for 10/12th of a year and by reducing Line Item #01-04-8508-0 Operating Equipment by Thirty Thousand Five Hundred Dollars (\$30,500), Line Item #01-04-8111-0 Overtime - Other by Twenty Eight Thousand Fifty Six Dollars (\$28,056), Line Item #01-05-8510-0 Capital Reserve Fund by Fifty Four Thousand Dollars (\$54,000), Line Item #01-03-8510-0 Capital Reserve Fund by Thirty Thousand Dollars (\$30,000), and Line Item # 01-09-8510-0 Capital Reserve Fund by Thirty Thousand Dollars (\$30,000)

ON THE QUESTION

Councilor Koenig restated the reductions in the capital reserve fund deposits being discussed are being made because unexpended appropriations exist as a result of budget lapses in FY15. Those unexpended appropriations will be allocated towards the expenses rather than budgeting for them in FY16. The overtime line in the Police Department had been initially proposed in lieu of the request for additional officers.

MOTION CARRIED 6-0-0

MOTION made by Councilor Boyd and seconded by Councilor Woods to amend the proposed FY16 budget by increasing Line Item #01-08-8107-0 Wages – Part-Time by Twelve Thousand Two Hundred Ten Dollars (\$12,210) and by reducing Line Item #01-09-8355-0 - Solid Waste Disposal by Twelve Thousand Two Hundred and Ten Dollars (\$12,210)

ON THE QUESTION

Councilor Koenig stated his understanding the proposed budget presented by the Town Manager had increased Line Item #01-09-8355-0 - Solid Waste Disposal by approx. \$12,000 anticipating a need. By adding the part-time attendant, that need is hopefully reduced or eliminated based on the additional individual helping to monitor what is going into the transfer station versus what is going into the recycle bins. The thought is that balances out and provides an additional set of eyes at the transfer station to keep operations running smoothly and properly as opposed to just throwing money at it for hauling stuff to the waste incinerator. It represents a net benefit to Merrimack to do this. It does increase the department by a part-time employee, but it is not nearly the expense it could be otherwise.

Councilor Boyd commented the Supervisor at the Transfer Station has stated the request is for a trial basis to see if it works for a one-year period. Vice Chairman Mahon noted if the department falls short on the savings side, the cost will have to come out of other areas of the budget. Councilor Dwyer commented it is a challenge for them, and new signage will be put in place at the Transfer Station and a more aggressive campaign will be undertaken to get more residents to recycle resulting in a reduced tonnage for the landfill.

MOTION CARRIED 6-0-0

MOTION made by Councilor Boyd and seconded by Councilor Woods to amend the proposed FY16 budget by reducing Line Item #01-13-8107-0 Wages - Part-Time by Six Thousand Nine Hundred Dollars (\$6,900) and increasing Line Item #01-13-8374-0 Recreation Programs by Six thousand Nine Hundred Dollars (\$6,900)

ON THE QUESTION

Vice Chairman Mahon questioned whether the program monies would be targeted. Town Manager Cabanel responded it was suggested to her that it might be for surveillance equipment, better lighting, etc. for the skate park.

AMENDED MOTION made by Councilor Boyd and seconded by Councilor Woods to amend the proposed FY16 budget by reducing Line Item #01-13-8107-0 Wages - Part-Time by Six Thousand Nine Hundred Dollars (\$6,900) and increasing Line Item #01-13-8505-0 Infrastructure by Six thousand Nine Hundred Dollars (\$6,900)

ON THE QUESTION

Councilor Boyd stated the intent to reduce the position of part-time skateboard park attendant, and allocate funds for infrastructure improvements at the skateboard park.

Director Micali commented at a meeting conducted earlier in the day, the issue was discussed with Chief Doyle and Director Casparius. There is the potential to put in place a wireless camera. Councilor Koenig stated his opposition noting he is unclear why there is the feeling the part-time attendant should be removed. He remarked he heard the argument there are not a lot of places in the State that have attendants for their skate park, but he has also listened to the part-time attendant come before the Council, and heard a lot of antidotal stories about how people appreciate and enjoy our park because they feel that it has a level of safety and control over potential bullying, property damage, etc., which would not exist with simply a wireless camera.

He stated his belief, for the small amount of dollars involved, the position helps to keep the equipment in better shape, and ensure parents can drop their children off to learn how to skate and enjoy the park without concern for their safety. He stated his preference to retain the position.

Councilor Dwyer stated he would support the motion for a variety of reasons; however, believes the dawn to dusk attitude is what is needed there. He provided the example of a child desiring to go to the park at 7:00 a.m. on a Saturday who cannot because the gate is locked. He remarked we have a great park and are limiting its use by having the attendant on fixed hours. We don't lock up the basketball courts, game fields, etc., but for some reason this park comes with the stigma that it needs supervision. He stated his certainty the police will do their job and monitor the park as they do any other park.

Learning there are 30 parks in the State and only 2 have an attendant was telling for him. He reiterated he likes the dawn to dusk attitude of having the park open freely to everyone that wants to come.

MOTION CARRIED 4-2-0

Councilors Koenig and Mahon voted in opposition

MOTION made by Councilor Boyd and seconded by Councilor Woods to amend the proposed FY16 budget by increasing Line Item #01-08-8321-0 Maintenance-Buildings by Twenty Thousand Dollars (\$20,000) and reducing Line Item #XX-XX-8250-0 Vehicle Fuel by Twenty One Thousand Seven Hundred and Seventy Five Dollars (\$21,775)

ON THE QUESTION

It was noted the intent is to allocate \$20,000 towards the architect and engineering consultant for the Highway Garage project and reduce the gasoline and diesel fuel line based on a reduction in cost, not volume.

Councilor Rothhaus questioned when the Town will enter into the next contract. Director Micali responded currently it looks as though the current contract will expire in the October/November timeframe. He explained, the Town purchases a block of gallons, e.g., if purchasing 45,000 gallons the contract period is for one year or until the 45,000 gallons is utilized.

Director Micali added when reviewing future cost, he typically reduces the price at the pump by \$0.42 (represents Federal and State tax that is not paid by municipalities) and adds a 25% increase, which is typically the market fluctuation from year to year. Based on that, there would remain some built in reserve amount for contingency should the price increase. A \$0.20/gallon savings is anticipated on both.

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Councilor Koenig requested additional clarification on the figure of \$20,000. Councilor Woods stated \$20,000 would provide for architectural and engineering drawings we don't have at the present time. He stated he has been assured, in discussions with Director Micali, that it is a reasonable figure. He is supportive as it would keep the effort moving forward. In revisiting it, he suspects there will be opportunity to revamp the general design.

Councilor Koenig remarked the Council had tried to allocate \$30,000 in the November timeframe for a construction engineer to be able to look at the project, provide firm pricing, and be able to assist in negotiations. At that time, the Council decided not to do that. He remarked the \$20,000 is only targeting the ability to gain additional architectural and engineering drawings, not necessarily to hire a construction engineer. Councilor Woods stated that to be correct.

Councilor Koenig stated his belief something along those lines is needed, and he is unsure \$20,000 is the right figure to get the additional work done and allow the project to be better understood by the public. He commented he would rather put something in there to work with than not have anything at all. Director Micali remarked he had conversations with construction managers. One he spoke with expressed a willingness to take it on spec, meaning he would take the job and then once the bond is passed he would work his fee in. The architect/engineer said they would do sort of on spec., and that \$20,000 would be a good figure as they would have to pay some people to view the site, provide costing, etc. They would provide architectural plans to gain a good idea of the cost to construct the facility. Then you go out and seek bids. He remarked most of the architects he talked with said they would be comfortable with a small amount of money to provide drawings and pricing. The construction managers would take it on spec.

Town Manager Cabanel stated it seems like a small amount of money to add to the project, but a lot of information has been paid for and received already. Although it looks like all we had was a drawing, there is a great deal behind that, e.g., square footage of rooms, how much per square foot is a mechanic space versus locker room space, etc. A construction manager could come in and do what they call value engineering, and identify means of being more cost efficient.

MOTION CARRIED 6-0-0

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to amend the proposed FY16 budget by reducing Line Item #01-08-8505-0 Infrastructure/Paving by Fifty Thousand Dollars (\$50,000) and increasing Line Item #01-01-8293-0 Legal-Other by Twenty Five Thousand Dollars (\$25,000) and Line Item #01-13-8505-0 Infrastructure by Twenty Five Thousand Dollars (\$25,000)

ON THE QUESTION

It was noted the intent was to allocate \$25,000 towards legal and consulting fees as it relates to the NED pipeline project and \$25,000 dedicated to Wasserman Park.

Councilor Dwyer stated his belief it is important to have a plan in place and consider the long-term impact the pipeline project would have. The amount appropriated would allow the town to seek out the appropriate guidance, advice, and direction needed.

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With regard to Wasserman Park, he believes the Director has done a very good job over the past year and has earned the trust to work towards the community's vision on Wasserman Park.

Councilor Dwyer commented he believes he speaks for the Council with regard to the desired vision for Wasserman Park. A huge step was taken a few months back when the \$55,000 was allocated towards that effort. There remains a good deal of work to be done such as raising the Wasserman home itself, which simply cannot be rebuilt, work on the boat house, etc. A \$25,000 allocation is a modest amount to keep moving in that direction. He stated his hope funding will continue over the next few years.

With regard to allocating funds towards legal fees, he is of the belief it is appropriate, and a modest amount to get the ball rolling to have legal representation regarding a complex issue.

MOTION CARRIED 4-2-0

Councilors Koenig and Rothhaus voted in opposition.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to amend the proposed FY16 budget by reducing Line Item #31-10-8250-0 Vehicle Fuel by Three Thousand Two Hundred and Ninety Two Dollars (\$3,392)

ON THE QUESTION

It was noted the reduction is based on a price reduction. Councilor Koenig questioned why reductions in fuel were being recommended for the Highway and Solid Waste Departments when the Police Department and others also utilize a fair amount of gasoline. Director Micali responded it was XX-XX-8250, which means when he runs the budget through it will reduce all of those line items. The total was \$21,775 for general government. The \$3,392 is just for Wastewater. Councilor Koenig noted the previous one was not just Highway, which is what it sounded like. Director Micali stated it to be for the entire budget.

MOTION CARRIED 6-0-0

Town Manager Cabanel stated the actions taken by the Council resulted in a net reduction on the tax rate of \$16,153. What is necessary is a motion to reduce the appropriation amount by \$54,000 for the base radio station in Communications, \$30,000 for the cardiac defibrillator/monitor/transmitter in the Fire Department, and \$30,000 for the stake body truck in the Solid Waste Department.

MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to amend the proposed FY16 budget by reducing Line Item #01-05-8910-0 Capital Reserve Fund Purchases by Fifty Four Thousand Dollars (\$54,000), Line Item #01-03-8910-0 Capital Reserve Fund Purchases by Thirty Thousand Dollars (\$30,000), and Line Item #01-09-8910-0 Capital Reserve Fund Purchases by Thirty Thousand Dollars (\$30,000). MOTION CARRIED 6-0-0

Town Manager Cabanel informed the Council the revised total operating budget for the General Fund is \$26,622,920 and the revised total operating budget for the Wastewater Department is \$3,888,865. All other figures remain the same. The new appropriation for all funds is \$31,472,126, which represents a \$0.08 increase on the tax rate.

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Councilor Koenig noted the union contract the Council voted upon last week was not included as it will be presented as an additional Warrant Article. Town Manager Cabanel stated that impact to be \$0.01 on the tax rate. She noted, due to rounding of figures, the tax rate may still come out as \$0.08 rather than \$0.09 (overall budget reduced by \$16,153). Every \$29,000 increase represents \$0.01 on the tax rate.

Councilor Koenig questioned e-mails placed on the desks of the Council from the Library; specifically whether any action was required/requested. Director Micali stated the e-mails were responses to questions that were outstanding from the departmental review.

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to recommend an FY16 budget in the total amount of Thirty One Million, Four Hundred Seventy Two Thousand, One Hundred Twenty Six Dollars (\$31,472,126), and that it be moved to a Public Hearing

ON THE QUESTION

Councilor Boyd thanked the Town Manager, Finance Director, and department heads for all of the hard work that went into the creation of the proposed budget.

Councilor Dwyer expressed his gratitude to the department heads and spoke of the knowledge, experience, and team approach the Town Manager and Finance Director bring to the budget process.

Councilor Woods expressed kudos to the department heads. He remarked one of the parts to the process of his being on the Council was an interview, which was very thorough. One of the questions he was asked is what he would say was the most favorable accomplishment of the Council over the past year to which he responded it wasn't over the last year it was over several years that they have worked with the Town's department heads to keep the tax rate as flat as it has been. Having gone through this process for the first time at this table, he has a recognition of how dedicated, hard-working, and professional the Town's management and Council are.

MOTION CARRIED 6-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council - None

MOTION made by Councilor Boyd and seconded by Councilor Woods to adjourn the meeting.

MOTION CARRIED 6-0-0

The January 26, 2015 meeting of the Town Council was adjourned at 7:11 p.m.

Submitted by Dawn MacMillan